

APPEAL NO. 020950
FILED JUNE 10, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 29, 2002. The hearing officer resolved the sole issue before him by determining that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the 15th compensable quarter, November 14, 2001, through February 12, 2002. The appellant (carrier) appealed, challenging the determination on sufficiency grounds. The claimant did not file a response.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant is entitled to SIBs for the 15th compensable quarter. The claimant testified that he has suffered from carpal tunnel syndrome (CTS) continuously since, at least, the date of his compensable injury, _____, and that the physical problems he suffers from CTS cause him to have disability in that he cannot do the kind of work (waiter/bartender) he had done prior to the date of injury and is having difficulty performing any kind of work. The medical records introduced indicate that the claimant's treating doctor concurred that the claimant's chronic CTS causes him to be unable to work, particularly at his previous vocation. The claimant's application for 15th quarter SIBs showed that the claimant made just six job searches, but the claimant testified that he actually performed lawn work for a few people every week for remuneration beginning around June 2001. At least one statement from a customer is dated in October 2001.

The hearing officer is the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). The hearing officer found that the claimant returned to work during the qualifying period for the 15th quarter in a position relatively equal to his ability to work. Plainly, different inferences could have been drawn from the record. However, the hearing officer's decision is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 001360, decided July 27, 2000.

The hearing officer's decision and order are affirmed.

The true corporate name of the carrier is **FIDELITY & CASUALTY COMPANY OF NEW YORK** and the name and address of its registered agent for service of process is

**C.T. CORPORATION
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Susan M. Kelley
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge